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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,330	07/08/2003	Ronald Dean Bremner	16479-US	8733

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EXAMINER

HARRIS, STEPHANIE N

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,330

Applicant(s)

BREMNER, RONALD DEAN

Examiner

Stephanie Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-12 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/8/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5 and 15, applicant is reminded that a method of use claim cannot depend from an article claim. Method claims cannot be used to further limit an article claim. It is suggested that applicant establish a separate method of use claim. The Examiner suggests phrasing such as "The method of adjusting an armrest adjustment mechanism, as recited in claim 1, comprises the steps of".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wein (USPN 5941603) in view of Escaravage (USPN 4877287).

Regarding claim 1, Wein discloses an armrest adjustment mechanism (10) for supporting an armrest unit, the mechanism comprises a fixed plate (28). A frame (14) is

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mounted adjacent to the plate and attached to the armrest unit as seen in Figure 1. The frame has a pair of frame slots (38). The frame also has a bore (located at the bottom element 14) extending there through. A bolt member (44) has a head engaging a second side of the plate and a shaft (44) extending from the head and through the plate slot, with a threaded free end, and a bore located between the knob and the plate (Col. 4, lines 18-32) as seen in Figure 1. A knob (46) has a bore, located between the knob and the plate, with internal threads for rotatably and threadably engaging the threaded end of the shaft (Col. 4, lines 18-32).

Regarding claim 3, the frame slots (38) are spaced apart on the opposite side of the bore as seen in Figure 1. Regarding claim 9, the frame, the bolt member and the knob are movable together with respect to the plate (Col. 4, line 62- Col. 5, line 5).

Regarding claim 10, the knob and bolt assembly (46, 44) acts as a clamping assembly for releasably clamping the frame to the plate and being movable with the frame with respect to the plate (Col. 4, lines 18-40). The clamping assembly has a portion (36), which is non-rotatably and can be slidably received in the plate slot as seen in Figure 1.

Wein shows all of the teachings of the claimed invention but fails to show the use of a pair of pins that are slidably moveable within a pair of pin slots. Escaravage discloses the use of a pair of pins (15, 16) that are slidably moveable within a pair of pin slots (17, 18) to adjust an armrest mechanism as seen in Figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the armrest adjustment mechanism of Wein, with the pair of pins and pin slots as shown

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by Escaravage, in order to provide a retractable guided path for the armrest adjustment mechanism.

Regarding claims 6, 7, 17, and 18, the plate slots and the frame slots are parallel to each other and extend diagonally as seen in Figure 1. Regarding claim 8, the plate slot is located between the pins. Regarding claim 19, the plate slots (17,18) are located between the pins (15,16) as seen in Figure 1.

Regarding claims 5 and 15, Wein in view of Escaravage discloses all of the claimed structure of the instant invention. Wein in view of Escaravage lacks only the specifically recited method steps. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art at the time of the invention to use the armrest adjustment mechanism of Wein in view of Escaravage by the claimed method steps. Such a modification provides a conventional and efficient method of using the device of Wein in view of Escaravage.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to armrest adjustment mechanisms: USPN 5876097, USPN 6209840, USPN 4657305, USPN 5727759, USPN 5947554, USPN 2325292, and JP 01017611A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SNH

May 12, 2004

Stephanie Harris
Examiner
Art Unit 3636


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600